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Attorneys for Defendant
UNITED STATES DEPARTMENT OF HOMELAND SECURITY

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

NOSSAMAN LLP,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Defendant.

1:10-cv-1627-OWW-DLB

**STIPULATION AND ORDER
RESOLVING FREEDOM OF
INFORMATION ACT SUIT**

Subject to the approval of the Court as provided for hereon, the parties hereby stipulate as follows:

1. By this stipulation and proposed Order, the plaintiff, Nossaman LLP ("Nossaman"), and the defendant, U.S. Department of Homeland Security ("DHS"), compromise and resolve all issues in the captioned Freedom of Information Act ("FOIA") action premised on a FOIA request by Nossaman to the Federal Emergency Management Agency ("FEMA"). Specifically, the questions of the scope of the FOIA request dated March 16, 2009, the legal status of documents held by federal contractor Insurance Services Office, Inc., of Central Point, Oregon ("ISO"), DHS's FOIA administrative fees under 5 U.S.C. § 552(a)(4)(A), taxable costs under 28 U.S.C. § 1920, and Nossaman's

1 attorney's fees and litigation costs under 5 U.S.C. § 552(a)(4)(E), are settled hereby. No
2 admission is made on these or any other subjects.

3 2. Defendant has obtained and redacted, and defense counsel holds in electronic
4 form, approximately 4,500 pages of materials from ISO. These will be supplied to
5 Nossaman promptly, and in any event within 30 days from approval hereof.

6 3. This action is hereby DISMISSED WITH PREJUDICE.

7 4. No money shall change hands. All amounts incurred for defendant's FOIA
8 administrative fees and Nossaman's costs or attorney's fees are deemed to cancel each
9 other.

10 Dated: July 29, 2011

NOSSAMAN LLP

11 By: /s/ Paul S. Weiland
12 PAUL S. WEILAND
13 ROBERT C. HORTON
Attorneys for Plaintiff

14 Dated: July 29, 2011

BENJAMIN B. WAGNER
United States Attorney

15 By: /s/ YHimel
16 YOSHINORI H. T. HIMEL
17 Assistant U. S. Attorney
Attorneys for Defendant

18 ORDER

19
20 IT IS SO ORDERED.

21 Dated: July 29, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE